



# BUCKFASTLEIGH TOWN COUNCIL

**Judith M. Hart**  
*Clerk to the Council*

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## Declaration of Qualification to hold Public Office as a Town or Parish Councillor

I, ....., (full name),

of.....

..... (address).

Where a local council is undertaking the process of co-option of a councillor to the authority, it has a duty to ensure that the person(s) appointed are eligible to hold office as a local councillor.

The qualifications and disqualifications are contained in the Local Government Act 1972, Sections 79 and 80.

Please complete the following declaration form and return it to the Town Clerk at the above address.

### **Qualifications**

I qualify to be co-opted as a Councillor of Buckfastleigh Town Council on the grounds that, on the date of nomination/election, I am a British Subject or Citizen of the Republic of Ireland, have reached 18 years of age or over, AND

At the date of application to the Town Council I am and thereafter continue to be, a local government elector for the area of the Authority; or

At the date of application to the Town Council I am, during the whole of the 12 months preceding that day, occupied, as owner or tenant, any land or other premises in the Parish; or

At the date of application to the Town Council my principal or only place of work during that 12 months has been in the area; or

At the date of application to the Town Council I have, during the whole of those 12 months, resided in the area; or

At the date of application to the Town Council I have, during the whole of the 12 months preceding the relevant date, resided within three miles of the Parish or Community.

**Disqualifications**

I am not disqualified from being co-opted as Councillor of Buckfastleigh Town Council on any of the following grounds:-

I do not hold any paid office or employment of Buckfastleigh Town Council (other than the office of Chairman) or of a joint committee on which the Council is represented; or

I have not been adjudged bankrupt or made a composition or arrangement with Creditors (see note below); or

I have not, within 5 years before the day of election/co-option nomination, or since my election/co-option nomination, been convicted in the UK, Channel Islands or Isle of Man, of any offence and been sentenced to imprisonment (whether suspended or not) for not less than 3 months without the option of a fine; or

I am not otherwise disqualified under Part III of the Representation of People Act 1983 for corrupt or illegal practices, or under Part III of the Local Government Finance Act 1982 consequent upon audit proceedings.

Signed.....

Date.....

**Note**

The disqualification for bankruptcy ceases in the following circumstances:-

- a. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- b. If the person is discharged with a certificated that the bankruptcy was caused by misfortune without any misconduct on his/her part;
- c. If the person is discharged without such a certificate.

In a and b above, the disqualification ceases on the date of the annulment and discharge respectively. In c, it ceases on the expiry of 5 years from the date of the discharge.

The disqualification for composition or arrangements with creditors ceases upon payment of the debts in full or on the expiry of 5 years from the date on which the terms of the composition or arrangement are fulfilled.

A person who is disqualified from being elected or holding office as a member of a local Council is also disqualified for being a member of a committee or sub-committee of that council or for being a representative of the Council on a joint committee involving that Council.